THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 29TH DAY OF DECEMBER, 2005

W.P.No. 27931 of 2005

Between:-

Manala Veerabhadra Rao and eighteen (18) others

--Petitioners

And

The District Collector, Khammam, Khammam district and two others.

--Respondents

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W.P.No. 27931 of 2005

:O R D E R:

The petitioners, who are nineteen in number, filed the instant writ petition aggrieved by the notices dated 2-11-2005 issued by the third respondent under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 ('the Act' for brevity). By the impugned notices, the third respondent informed the petitioners that they have encroached the government land in survey No. 5/2/1 admeasuring Acs.64-28 gts., and they were asked to show cause as to why they should not be dispossessed in accordance with the Act. The petitioners submitted their explanation, *inter alia*, contending that the land in their occupation is comprised in survey No.5/1 and that the same is not the government land. They also contended that the land in survey No. 5/1 is a private land and, therefore, the provisions of the Act have no application. The inquiry before the third respondent is still pending and final orders under Section 6 of the Act are yet to be passed.

Apprehending that the third respondent might summarily dispossess the petitioners without conducting an inquiry and without determining whether the land in their possession is comprised in survey No. 5/1, which is allegedly a private patta land, the present writ petition is filed seeking a writ of Mandamus declaring the impugned notice/notices dated 22-11-2005 as illegal and arbitrary.

It is now axiomatic that a writ petition against a show cause notice ordinarily would not lie, because there is no decision as such requiring judicial review. Therefore, this court is not inclined to entertain the writ petition at this stage. However, as there is a dispute regarding the identification of land, which is in possession of the petitioners, it would be in the interest of justice, if the third respondent personally conducts an inspection before passing any orders in the matter duly taking into consideration the explanation submitted by them. This observation would safeguard

the interest of the petitioners.

The writ petition, with the above observations, is disposed of. No costs.

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V.V.S. RAO, J

29-12-2005

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Nb:-Registry to furnish c.c. by Monday i.e, 02-01-2006.

B/o PVKS/*